

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUSTIN DUFOE, on Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

DRAFTKINGS INC., JASON D. ROBINS,
JASON K. PARK, and MATTHEW KALISH,

Defendants.

Case No. 23-cv-10524-DJC

CLASS ACTION

Honorable Judge Denise J. Casper

**LEAD PLAINTIFF'S RESPONSE TO LATE CLAIMANT MICHAEL CAMIZZI'S
SECOND *PRO SE* MOTION FOR EQUITABLE TOLLING
AND ACCEPTANCE OF LATE-FILED CLAIM**

Court-appointed Lead Plaintiff¹ Justin Dufoe, individually and on behalf of the Settlement Class, hereby responds to Late Claimant Michael Camizzi's second *Pro Se* Motion for Equitable Tolling and Acceptance of Late-Filed Claim ("Second Camizzi Motion," ECF No. 124), pursuant to Federal Rule of Civil Procedure 23(e) and § 59 of the Settlement Agreement.²

On October 27, 2025, Mr. Camizzi filed his first *Pro Se* Motion for Equitable Tolling and Acceptance of Late-Filed Claim (ECF No. 114). On November 6, 2025, Lead Plaintiff filed his Consolidated Response to Late Claimants' *Pro Se* Motions for Equitable Tolling and to Accept Late Filed Claims ("Consolidated Response," ECF No. 117). On November 17, 2025, Mr. Camizzi

¹ Unless otherwise indicated, defined terms shall have the definitions set forth in the Stipulation of Settlement ("Settlement" or "Settlement Agreement"), which was filed on February 26, 2025 (ECF No. 87-2). Citations to the Settlement Agreement are abbreviated as "§ ____."

² "The administration and consummation of the Settlement as embodied in this Stipulation shall be under the authority of the Court, and the Court shall retain jurisdiction for the purpose of entering orders providing for . . . the distribution of the Net Settlement Fund to Settlement Class Members."

filed the Second Camizzi Motion, replying to the Consolidated Response in the form of a renewed motion. ECF No. 124.

As addressed in Lead Plaintiff's Response to Late Claimant David Kipe's *Pro Se* Motion for Equitable Tolling and Acceptance of Late Filed Claim ("Kipe Response," ECF No. 116) and the Consolidated Response, under the Settlement Agreement, neither Class Counsel nor the Settlement Administrator can accept late claims filed after the Settlement Hearing held on July 30, 2025, and such requests fall solely within the power and discretion of this Court. *See* § 32.³

For the reasons discussed in the Kipe Response, the Consolidated Response, and the declarations filed in support of both, Lead Plaintiff and Class Counsel do not take a position on whether this Court should exercise its equitable powers to toll the period of time for Mr. Camizzi's late-filed claim or accept other late claims filed in this case after the July 30, 2025 Settlement Hearing. This Response incorporates by reference the Kipe Response and Consolidated Response.

Dated: December 1, 2025

Respectfully submitted,

KIRBY McINERNEY LLP

/s/ Sarah E. Flohr

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³ Pursuant to the Settlement Agreement, Defendants have no interest in the relief sought by this Motion. *See* § 27.

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CERTIFICATE OF SERVICE

I, Sarah E. Flohr, hereby certify that on December 1, 2025, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using CM/ECF. Copies of the foregoing document will be served upon interested counsel via transmission of Notices of Electronic Filing generated by CM/ECF, served upon the *pro se* filers listed in the Certificate of Service for Lead Plaintiff's Response to Late Claimant David Kipe's *Pro Se* Motion for Equitable Tolling and Acceptance of Late Filed Claim (ECF No. 116), by mail and email, and will be uploaded to the Settlement website

Dated: December 1, 2025

/s/ Sarah E. Flohr
Sarah E. Flohr